

1 SB337  
2 210409-1  
3 By Senator Whatley  
4 RFD: Judiciary  
5 First Read: 16-MAR-21

8 SYNOPSIS: Under existing law, the Bail Bond Reform Act  
9 of 1993, defines and provides for the use of bail  
10 bonds and the duties and responsibilities of  
11 professional bail and professional surety  
12 companies.

13 This bill would remove the requirement of  
14 cash bail only for an initial custody arrest under  
15 certain circumstances and would provide further for  
16 the definitions of cash bail and property bail.

17 This bill would provide further for the  
18 arrest and delivery of a defendant to jail by a  
19 surety with no court costs to be entered on the  
20 surety, would provide that a surety not be charged  
21 for a bondsman's process or for a certified copy of  
22 a bond, and would require the license number of the  
23 bondsman or recovery to be listed on a bondsman's  
24 process form.

25 This bill would increase the time frames for  
26 notice and conducting hearings in conditional  
27 forfeiture proceedings.

1           This bill would remove the requirement that  
2 a conditional judgment to set aside shall be made  
3 absolute for the entire sum and would provide  
4 further for instances when a court may set aside  
5 forfeiture, may not release a defendant on judicial  
6 public bail, and eligibility for judicial public  
7 bail.

8           This bill would provide further for the  
9 amount of new corporate surety bonds and escrow  
10 agreements required in counties with a populations  
11 of 200,000 or more.

12           This bill would provide further for criminal  
13 penalties for certain unlawful behavior.

14           This bill would also make nonsubstantive,  
15 technical revisions to update the existing code  
16 language to current style.

17           Amendment 621 of the Constitution of Alabama  
18 of 1901, as amended by Amendment 890, now appearing  
19 as Section 111.05 of the Official Recompilation of  
20 the Constitution of Alabama of 1901, prohibits a  
21 general law whose purpose or effect would be to  
22 require a new or increased expenditure of local  
23 funds from becoming effective with regard to a  
24 local governmental entity without enactment by a  
25 2/3 vote unless: it comes within one of a number of  
26 specified exceptions; it is approved by the  
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

3 The purpose or effect of this bill would be  
4 to require a new or increased expenditure of local  
5 funds within the meaning of the amendment. However,  
6 the bill does not require approval of a local  
7 governmental entity or enactment by a 2/3 vote to  
8 become effective because it comes within one of the  
9 specified exceptions contained in the amendment.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 Relating to the Bail Bond Reform Act of 1993; to  
16 amend Sections 15-13-103, 15-13-111, 15-13-114, 15-13-118,  
17 15-13-125, 15-13-128, 15-13-131, 15-13-132, 15-13-136,  
18 15-13-137, 15-13-138, 15-13-142, 15-13-145, 15-13-160, and  
19 15-13-164, Code of Alabama 1975, to remove the requirement of  
20 cash bail only for certain initial custody arrests; to further  
21 define cash bail and property bail; to provide further for the  
22 arrest and delivery of a defendant to jail by a surety with no  
23 court costs to be entered on the surety; to provide that a  
24 surety not be charged for a bondsman's process or for a  
25 certified copy of a bond; to require the license number of the  
26 bondsman or recovery on a bondsman's process form; to increase  
27 the time frames for providing notice and conducting hearings

1 in conditional forfeiture proceedings; to remove the  
2 requirement that a conditional judgment to set aside be made  
3 absolute for the entire sum; to provide further for instances  
4 when a court may set aside forfeiture and may not release a  
5 defendant on judicial public bail; to provide further for  
6 eligibility for judicial public bail; to provide further for  
7 the amount of new corporate surety bonds and escrow agreements  
8 required in counties with populations of 200,000 or more; to  
9 provide further for criminal penalties for certain unlawful  
10 behavior; to make nonsubstantive, technical revisions to  
11 update the existing code language to current stye; and in  
12 connection therewith would have as its purpose or effect the  
13 requirement of a new or increased expenditure of local funds  
14 within the meaning of Amendment 621 of the Constitution of  
15 Alabama of 1901, as amended by Amendment 890, now appearing as  
16 Section 111.05 of the Official Recompilation of the  
17 Constitution of Alabama of 1901.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 15-13-103, 15-13-111, 15-13-114,  
20 15-13-118, 15-13-125, 15-13-128, 15-13-131, 15-13-132,  
21 15-13-136, 15-13-137, 15-13-138, 15-13-142, 15-13-145,  
22 15-13-160, and 15-13-164 of the Code of Alabama 1975, are  
23 amended to read as follows:

24 "§15-13-103.

25 "Admission to bail is the order of a judicial  
26 officer of any court of the State of Alabama, or one of its  
27 subdivisions, that the defendant be discharged from actual

1 custody on bail. Judicial officers of all courts in the ~~State~~  
2 ~~of Alabama~~ state shall see that every defendant arrested and  
3 in custody has an opportunity to give bail, in cases in which  
4 the defendant is entitled to bail and in cases pending before  
5 the court, and shall see that the amount of bail is  
6 established. The amount of bail shall be set in the amount  
7 that the judicial officer ~~feels~~, in his or her discretion,  
8 feels is sufficient to guarantee the appearance of the  
9 defendant. Bail amounts shall not exceed the statutory limits  
10 otherwise set out in the laws of this state. The amounts of  
11 bail may be set by a judicial officer in a standard bail  
12 schedule as prescribed by the judge or pursuant to the bail  
13 schedule ~~promulgated~~ adopted by Supreme Court rule. Bail for  
14 an initial custody arrest of a defendant in misdemeanor cases,  
15 violations, or traffic offenses may not be set as cash bail  
16 only.

17 "§15-13-111.

18 "For persons arrested and taken into custody, there  
19 shall be four kinds of bail used in this state. No other form  
20 of bail may be approved and accepted by any judicial officer,  
21 court clerk, magistrate, or any other person designated to  
22 accept and approve bail as stipulated in Division 1, Sections  
23 15-13-100 to 15-13-110, inclusive. The four kinds of bail  
24 shall be judicial public bail, cash bail, property bail, and  
25 professional surety bail. Their definitions are as follows:

26 "(1) CASH BAIL. Cash bail is when the defendant or  
27 some person on behalf of the defendant deposits cash in an

1 amount equal to ~~a part or~~ the total sum of the bail as set by  
2 the judicial officer to the clerk of the court having  
3 jurisdiction over the case. Acceptance of cash bail shall  
4 conform to Division 9.

5 "(2) JUDICIAL PUBLIC BAIL. Judicial public bail is  
6 the release of any defendant without any condition of an  
7 undertaking relating to, or a deposit of, security. ~~Such~~  
8 Judicial public bail shall be granted to persons subjected to  
9 custodial arrest only by a judicial officer having  
10 jurisdiction over the defendant and in accordance with the  
11 procedures established in Division 7 ~~of this article~~.

12 "(3) PROFESSIONAL SURETY BAIL. Professional surety  
13 bail is when a defendant is released on bail by having a  
14 professional surety or professional bail company execute a  
15 bond on behalf of the defendant and becoming surety on the  
16 bail. ~~Such~~ Professional surety or professional bail companies  
17 shall meet the qualification requirements of Division 10.

18 "(4) PROPERTY BAIL. Property bail is when a  
19 defendant is released on bail by having at least one or more  
20 real property owners that own real property in the ~~State of~~  
21 ~~Alabama~~ state, execute or become bail or surety for the  
22 defendant. ~~Such property~~ Real property owners shall qualify  
23 and meet requirements applying to property bail as set out in  
24 Division 8.

25 "§15-13-114.

26 "The obligation of the sureties continues throughout  
27 every stage of trial, from the time the defendant is entered

1 thereon until the rendition of the verdict by the jury or  
2 judge. The finding of the defendant guilty by a jury or judge  
3 discharges the sureties. The obligation of the sureties are  
4 also discharged when the judge takes any of the following  
5 actions:

6 "(1) Sentences the defendant.

7 "(2) Grants the prosecutor's motion to nol pros the  
8 case.

9 "(3) Dismisses the case.

10 "(4) Issuance of any order to the defendant to  
11 attend driving-under-the-influence school, mental health  
12 counseling, mental health court, pretrial diversion, drug  
13 court, or any similar order of which the court would only have  
14 had the authority to do so, if there had been an adjudication  
15 of guilt or in cases where there has been an adjudication of  
16 guilt.

17 "(5) Issuance of any order of restitution or  
18 payments received from the defendant to the court for fines,  
19 court costs, or restitution.

20 "(6) Announcement or order of sentence prior to any  
21 probation determination.

22 "§15-13-118.

23 "After the entry of a conditional forfeiture against  
24 any surety on an undertaking of bail, the surety may arrest  
25 the defendant as provided in Section 15-13-117, ~~but~~ and the  
26 arrest and delivery of the defendant to the authorized jail as  
27 stated in Section 15-13-117 shall ~~not~~ exonerate the surety



1 ~~unless, in the judgment of the court, a good and sufficient~~  
2 ~~cause is given for the failure of the defendant to appear at~~  
3 ~~the time the conditional judgement was entered.~~ No court costs  
4 shall be entered on the surety.

5 "§15-13-125.

6 "The clerk of the court having jurisdiction over the  
7 defendant shall issue a bondsman's process to the sureties on  
8 such the bail upon their request. The request may be made by  
9 any one of the sureties. Before the issuance of the process,  
10 the clerk shall determine if the case is still open and the  
11 defendant and the sureties have not been discharged by law. A  
12 surety shall not be charged for the bondsman's process or for  
13 a certified copy of the bond. The bondsman's process shall  
14 remain in full effect until such time as the case is disposed  
15 of by the court.

16 "§15-13-128.

17 "The following shall be substantially the form to be  
18 used for a bondsman's process.

19 "BONDSMAN'S PROCESS  
20

21 "STATE OF ALABAMA

22 "COUNTY OF \_\_\_\_\_.

23 "(or)

24 "CITY OF \_\_\_\_\_.



1 "SEAL:

2 "Bondsman Return

3 "On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I  
4 \_\_\_\_\_ agent for \_\_\_\_\_ surrender the above named  
5 defendant to the \_\_\_\_\_ jail of \_\_\_\_\_.

6 "Time: \_\_\_\_\_

7 "Bondsman's or Recovery License Number:

8 \_\_\_\_\_.

9 "§15-13-131.

10 "(a) When a defendant fails to appear in court as  
11 required by the undertaking of bail and no sufficient excuse  
12 has been provided to the court prior to the hearing, the court  
13 shall order a conditional forfeiture and show cause order  
14 against the defendant and the sureties of the bail. The court  
15 shall notify defendant and sureties of the order as set out in  
16 this article. The defendant or sureties, or both, shall file a  
17 written response with the clerk of the court within ~~28~~ 180  
18 days ~~of~~ after the date of service of the notice why the bond  
19 should not be forfeited. If a written response is filed within  
20 the time allowed and the court is of the opinion the written  
21 response is sufficient, the court shall set aside the  
22 conditional forfeiture. If the court is of the opinion the  
23 written response is not sufficient, the court shall set a  
24 hearing to determine whether the bond should be forfeited. The  
25 hearing shall not be set less than ~~90~~ 120 days ~~of~~ after the  
26 service of the conditional forfeiture order. If no written

1 response has been filed after ~~28~~ 180 days from the date of  
2 service of the notice, the court may enter an appropriate  
3 order or final judgment forfeiting all or part of the amount  
4 of the bond which shall be enforceable as any civil judgment.  
5 The court may take into consideration the circumstances  
6 provided to the court and continue any final forfeiture  
7 hearing to another day and time allowing the sureties more  
8 time to apprehend the defendant.

9           "(b) When an undertaking of bail is forfeited by the  
10 failure of the defendant to appear as required, except when  
11 money is deposited as cash bail, a conditional judgment shall  
12 be rendered by the court in favor of the state or its subdivi-  
13 sions, for the use of the proper city, county, or state,  
14 against the parties to the undertaking for the sum thereon  
15 expressed, which judgment may be substantially as follows:

16       "(State of or City     Charge: \_\_\_\_\_

17       of)

18       "vs                     Case No. \_\_\_\_\_

19       "A.B. \_\_\_\_\_

20       "C.D. \_\_\_\_\_

21       "E.F. (Sure-  
22       ties) \_\_\_\_\_

1            "It being known to the court that A.B., together  
2 with (Sureties) \_\_\_\_\_ , agreed to pay the State of Alabama (or  
3 City of \_\_\_\_\_,) \_\_\_\_\_ dollars (the sum specified in the  
4 undertaking), unless A.B. appeared at the time and place  
5 mentioned and fixed in the bond or undertaking to answer in  
6 this case and A.B. having failed to appear at the time and  
7 place mentioned in the bond or undertaking, it is therefore  
8 ordered by the court that the State of Alabama (or City of  
9 \_\_\_\_\_,) for the use of \_\_\_\_\_ State (or City), recover of the  
10 defendant and sureties on the undertakings, the sum of \_\_\_\_\_  
11 dollars (the sum specified in the undertaking), unless they  
12 file a written response and show cause why this judgment  
13 should not be made absolute within ~~28~~ 180 days of the date of  
14 service of this conditional forfeiture order.

15            "(c) The state shall remit one-half of the funds it  
16 receives under subsections (a) and (b) to the county in which  
17 the defendant was charged. The funds shall be deposited into  
18 the general fund of the county and used for the maintenance  
19 and operation of the county jail.

20            "§15-13-132.

21            "A notice of the rendition of the judgment set forth  
22 in Section 15-13-131 shall be issued by the clerk of the court  
23 and served according to the terms as established in this arti-  
24 cle within 90 days ~~of the court's conditional forfeiture order~~  
25 ~~to the defendant and sureties. The notice may be in the fol-~~  
26 ~~lowing form~~ after the defendant fails to appear in court:

1 "STATE OF ALABAMA \_\_\_\_\_  
2 "(or City of \_\_\_\_\_) Defendant

3 vs  
4

5 "\_\_\_\_\_ County \_\_\_\_\_  
6 "Surety

7 "Case No. \_\_\_\_\_ \_\_\_\_\_  
8 "Surety

9 "Charge: \_\_\_\_\_

10 "Conditional Forfeiture Notice  
11

12 "To: \_\_\_\_\_ Court  
13 "Defendant

14 " \_\_\_\_\_ \_\_\_\_\_  
15 "Surety

16 "You are hereby notified that your name appears as a  
17 surety on the bond in the above styled case. This case was

1 called for trial on \_\_\_\_\_ (date) and the defendant was not  
2 present to answer. Therefore, a conditional forfeiture of  
3 \_\_\_\_\_ dollars was entered against you.

4 "You shall file a written response within ~~20~~ 180  
5 days after you receive this notice and show cause to the court  
6 why this bond amount and the court cost incident to this  
7 forfeiture should not be made final.

8 "If no action on your part is taken ~~20~~ 180 days  
9 after the date you receive this notice, a final forfeiture may  
10 be entered against you by the court. The sheriff shall collect  
11 the amount of the bond and court cost from you or levy on your  
12 property to satisfy the forfeiture case. If you file a written  
13 response and the court is of the opinion your written response  
14 is not sufficient to set aside the conditional forfeiture,  
15 then the court shall set a final forfeiture hearing date and  
16 you will be notified at the address provided on the response.

17 "This bond forfeiture is a court case against you  
18 separate from the defendant's criminal case. The court has  
19 also ordered that the defendant be re-arrested in the original  
20 case.

21 "Date issued: \_\_\_\_\_ By \_\_\_\_\_

22 "Clerk

23 "\$15-13-136.

1            "In forfeiture cases where the clerk of the court  
2 has failed to issue the conditional forfeiture notice as  
3 stipulated in Section 15-13-132 and where there has been no  
4 service as set out in Section 15-13-134 made within 90 days ~~of~~  
5 after the ~~order of the court~~ defendant failing to appear as  
6 set out in Section 15-13-131, and where the sureties have  
7 complied with Section 15-13-133, then the sureties shall be  
8 discharged from all liability of the bail and the conditional  
9 judgment shall be set aside against ~~such~~ those sureties.

10            "§15-13-137.

11            "If the defendants appear and show sufficient cause  
12 for the default to be determined by the court, the conditional  
13 judgment shall be set aside. If the excuse is not sufficient,  
14 or if the defendant or sureties fail to appear at the final  
15 forfeiture hearing, the judgment ~~shall~~ may be made absolute  
16 for the entire sum expressed in the undertaking, or any  
17 portion thereof according to the circumstances.

18            "§15-13-138.

19            "(a) The court shall set aside the conditional  
20 forfeiture in its entirety for the following reasons or under  
21 the following circumstances:

22            "(1) If the sureties can show that the defendant was  
23 hospitalized at the time he or she was to appear in court, or  
24 if the sureties can produce sufficient evidence that the  
25 defendant was not able to attend court for reason of illness,  
26 by producing a doctor's certificate or letter to that effect.  
27 The hospitalization may be in or out of ~~the State of Alabama~~



1 this state. For the sureties to take advantage of this  
2 ~~provision~~ subdivision, they shall put the court on notice that  
3 the situation exists either prior to the issuance of the  
4 conditional forfeiture order or within ~~28~~ 180 days after legal  
5 service of the conditional forfeiture on the sureties. After  
6 receiving notice, the court may continue the case to a future  
7 date it deems proper and just for the defendant to appear. If  
8 at that time the defendant is still not able to attend court  
9 for the same reason, then it shall be the burden of the  
10 sureties to produce the evidence within the same prescribed  
11 time. This section ~~shall~~ does not bar the court from the  
12 issuance of a bench warrant for the defendant in cases where  
13 the court feels that documents of proof do not reflect the  
14 truth, or where the court has reason to believe the defendant  
15 may appear and he or she is using ~~such~~ the documents of proof  
16 as an excuse to avoid appearance.

17 "(2) If the sureties show that the defendant was  
18 confined in jail or in the custody of another jurisdiction in  
19 ~~the State of Alabama~~ this state or any other state, at the  
20 time of his or her original appearance or on the date of the  
21 issuance of the conditional forfeiture order, or if the surety  
22 shows that the defendant is still confined in any jail in ~~the~~  
23 ~~State of Alabama~~ this state or any other state, or in the  
24 custody of another jurisdiction within ~~the State of Alabama~~  
25 this state or any other state, or in the custody of another  
26 jurisdiction within the continental United States, including  
27 United States federal jurisdiction, the court shall set aside

1 the conditional forfeiture and continue the case until a time  
2 after the end of that confinement. If the court later learns  
3 that the defendant is free from confinement before the  
4 confinement was supposed to end, then the court, with notice  
5 to the sureties, may reset the case and the burden shall be on  
6 the sureties to produce the defendant for the hearing or the  
7 court may issue another conditional forfeiture.

8 "(3) If the sureties show the defendant is deceased.

9 "(4) If the sureties show the defendant was serving  
10 on active duty in one of the military services of the United  
11 States.

12 "(b) The bondsman's process shall remain in full  
13 effect until such time as the case is disposed of by the  
14 court.

15 "§15-13-142.

16 "Only a judicial officer may release a person on  
17 judicial public bail. The judicial officer shall have  
18 jurisdiction over the case and defendant in order to release  
19 the defendant on judicial public bail. The judicial officer  
20 shall have a hearing for the person and determine if the  
21 person meets the requirements of this article. If the  
22 defendant has ever failed to appear before any court or pay  
23 any costs, and he or she is charged with a felony, the  
24 defendant shall not be released on judicial public bail.

25 "§15-13-145.

26 "Any person charged with a felony, misdemeanor, or  
27 violation shall be eligible for a judicial public bail, if:

1           "(1) The person is not charged with robbery, capital  
2 murder, forcible sex crimes, escape, trafficking in drugs, or  
3 the sale of drugs.

4           "(2) The person has not been convicted of a previous  
5 felony or committed a felony while being released on any form  
6 of bail.

7           "(3) The person is not presently under a suspended  
8 sentence or on probation or parole for a previous conviction  
9 on a misdemeanor or a felony.

10           "(4) There is no evidence, satisfactory to the  
11 judicial officer, that the person has violated a previous bail  
12 release, whether it be judicial public bail, property, cash,  
13 ~~or~~ professional surety bail, or failure to appear.

14           "§15-13-160.

15           "No professional bail company shall execute or  
16 become surety on any appearance bond in this state, unless ~~it~~  
17 the company has an order granting authorization to become  
18 professional surety on any bail. The order granting  
19 authorization shall be reissued annually prior to January 1 of  
20 each year by the presiding circuit judge of the county in  
21 which the company desires to execute bail or appearance bonds.  
22 Prior to the judge's issuance of the original order and no  
23 later than December 1 of each year, thereafter, professional  
24 bail companies shall submit annually to the presiding circuit  
25 judge the following:

26           "(1)a. An original corporate surety bond or escrow  
27 agreement, filed and approved by the presiding circuit judge

1 of the county in which the professional bail company executes  
2 or becomes surety on appearance bonds, in the amount of  
3 ~~\$25,000~~ twenty-five thousand dollars (\$25,000), guaranteeing  
4 the payment of all sums of money that may become due by virtue  
5 of any judgment absolute that may be rendered against the  
6 professional bail company on a forfeiture entered by any court  
7 in the county. Corporate surety bonds shall be executed only  
8 by a surety company authorized to do business in ~~the State of~~  
9 ~~Alabama~~ this state and qualified to write bonds by the  
10 Department of Insurance. The corporate surety bond shall  
11 provide that it may be cancelled as to any future liability by  
12 the corporate surety company or the professional bail company  
13 giving 30 days prior written notice of the cancellation to the  
14 clerk of the circuit court in which the bond or instrument was  
15 filed. A bank in ~~the State of Alabama~~ this state shall be a  
16 party to all escrow agreements, and those agreements shall  
17 provide that the agreement may be cancelled as to any future  
18 liability only by the professional bail company and bank  
19 giving 30 days prior written notice of the cancellation to the  
20 clerk of the circuit court in which the escrow agreement or  
21 instrument is filed. Once a professional bail company has  
22 filed an original continuous corporate surety bond or escrow  
23 agreement with the circuit clerk and it has been approved by  
24 the presiding circuit judge, then the professional bail  
25 company does not have to file any other original continuous  
26 corporate surety bond or escrow agreement upon annual  
27 recertification. The professional bail company shall submit an

1 original certificate from the insurance company which executed  
2 the corporate surety bond reflecting that it is still in force  
3 or an original letter from the bank stating the escrow  
4 agreement is still effective and the ~~moneys~~ monies are still  
5 held in trust. When any professional bail company is annually  
6 recertifying, the circuit clerk shall send the original  
7 corporate surety bond or original escrow agreement with any  
8 cancellations received by the circuit clerk to the presiding  
9 circuit judge for review and approval.

10  
11 "b. Any new original corporate surety bond or escrow  
12 agreement made after the effective date of the act adding this  
13 paragraph, in a county with a population of 200,000 or more,  
14 shall require a surety bond or escrow agreement in the amount  
15 of fifty thousand dollars (\$50,000). This paragraph does not  
16 affect any corporate surety bond or escrow agreement made  
17 before the effective date of the act adding this paragraph.  
18 Current escrow agreements shall remain at twenty-five thousand  
19 dollars (\$25,000) for any renewal thereafter.

20 "(2) An original qualifying power of attorney,  
21 letter, or other document issued by the professional bail  
22 company specifying any applicable limitations and specifying  
23 the agents who are authorized to execute and bind the  
24 professional bail company to a bail undertaking or to  
25 appearance bonds. The qualifying power of attorney, letter, or  
26 other document may only name persons as agents.

1           "(3) An original affidavit or certificate in  
2 writing, under oath, executed by an owner or officer of a  
3 professional bail company, to the clerk of the circuit court  
4 of the county in which the professional bail company shall  
5 execute or become surety on appearance bonds which contains  
6 the following:

7           "a. That all appearance bonds shall be executed in  
8 the name of the professional bail company as surety by the  
9 agents listed or appointed in the qualifying power of  
10 attorney, letter, or other document presented to the court or  
11 any other person so named in any future qualifying powers of  
12 attorney, letters, or documents filed with the circuit clerk  
13 of the county.

14           "b. That the professional bail company is qualified  
15 to do business in this state and its resident address.

16           "c. That the professional bail company has  
17 sufficient financial net worth to satisfy its obligations as a  
18 surety.

19           "d. That no person having a direct or indirect  
20 financial interest in the professional bail company has been  
21 convicted of a felony or a crime involving moral turpitude.  
22 Notwithstanding the foregoing, if any person having a direct  
23 or indirect financial interest in the bonding business has  
24 been convicted of a felony or a crime involving moral  
25 turpitude, then the person making the certification shall  
26 certify that there has been a conviction, provide the name of

1 the person convicted, and certify that the person convicted  
2 has been pardoned or has had a restoration of civil rights.

3 "e. That the professional bail company has no  
4 knowledge of any forfeiture that has been made final for more  
5 than 30 days that has not been paid arising out of surety  
6 undertakings and as to which the professional bail company has  
7 no petitions, motions, or other litigation matters pending.

8 "f. That there are no persons, including employees,  
9 agents, or persons with a financial interest in the  
10 professional bail company, who, within a period of two years,  
11 violated this chapter, or any rules adopted by the Supreme  
12 Court governing the qualifications of professional surety or  
13 bail companies.

14 "g. That no employee, agent, or any other person  
15 having a direct or indirect financial interest in the  
16 professional bail company is an attorney, a judicial official,  
17 a person authorized to accept an appearance bond, or an agent  
18 of an attorney, judicial official, or person authorized to  
19 accept an appearance bond.

20 "h. The names and addresses of all officers,  
21 employees, and agents of the professional bail company who  
22 have a direct or indirect financial interest in the  
23 professional bail company and the nature and extent of each  
24 interest.

25 "§15-13-164.

26 "(a) Any person who becomes surety on any bail for a  
27 defendant in this state and receives something of value or

1 charges a fee therefor, and who is not authorized as a  
2 professional surety or bail company under this chapter shall  
3 be guilty of a Class A misdemeanor and, upon conviction, shall  
4 be sentenced in accordance with the laws of this state for  
5 such an offense.

6 "(b) Any defendant who provides false information to  
7 the court or to the sureties on any bail bond forms or  
8 contracts shall be guilty of a Class A misdemeanor and, upon  
9 conviction, shall be sentenced in accordance with the laws of  
10 this state for the offense.

11 "Any surety who exchanges sexual services in  
12 exchange for bail bond services shall be guilty of a Class A  
13 misdemeanor and, upon conviction, shall be sentenced in  
14 accordance with the laws of this state for the offense."

15 Section 2. Although this bill would have as its  
16 purpose or effect the requirement of a new or increased  
17 expenditure of local funds, the bill is excluded from further  
18 requirements and application under Amendment 621, as amended  
19 by Amendment 890, now appearing as Section 111.05 of the  
20 Official Recompilation of the Constitution of Alabama of 1901,  
21 as amended, because the bill defines a new crime or amends the  
22 definition of an existing crime.

23 Section 3. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.